IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 19322 of 2007(A)

PETITIONER:

K.ABDUL AZEEZ, S/O.MOHAMMED,
KILLYANNI HOUSE, DOWNHILL P.O.,
MALAPPURAM.

BY ADV. SRI.P.SAMSUDIN

RESPONDENTS:

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1. THE GENERAL MANAGER, (AUTHORISED OFFICER), MALAPPURAM DISTRICT CO-OPERATIVE BANK LTD., HEAD OFFICE, UP-HILL, MALAPPURAM.

2. THE MALAPPURAM DISTRICT CO-OPERATIVE BANK LTD., REPRESENTED BY ITS GENERAL MANAGER, HEAD OFFICE UP-HILL, MALAPPURAM.

3. THE REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.

R1 & R2 BY ADV. SRI. U.K.RAMAKRISHNAN.
R3 BY SR. GOVT. PLEADER SRI. P.N.SANTHOSH.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.19322 of 2007

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Dated this the 25th day of June, 2007

JUDGMENT

Petitioner availed a loan. It was not repaid. Petitioner approached this court and obtained Ext.P4 judgment. This court directed the petitioner to pay an amount of Rs.Four Lakhs within one month from the date of the judgment. There is also a direction to the second respondent to consider the claim of the petitioner for one time settlement in the meantime and intimate the amounts due after adjusting concessions and reductions. It was also directed that the amount was to be paid in six equal monthly instalments. There is no dispute that the petitioner did not comply with the direction to pay Rs.Four Lakhs as directed. Apparently proceedings have been taken. Of course petitioner has a case that he could not pay the amount of Rs.Four Lakhs in time as he could not raise the amount in time. But he paid an amount of Rs.One Lakh on 25.4.2007 and balance on 19.5.2007, it is stated.

2. I heard learned counsel appearing on behalf of the Bank, who

points out that this is a case where there is already a judgment and the petitioner has not acted in terms of the same and if at all, the remedy of the petitioner is to approach the learned Judge, who passed Ext.P4 judgment.

In such circumstances, leaving it open to the petitioner to approach the court, which passed Ext.P4 judgment, this writ petition is disposed of.

(K.M. JOSEPH, JUDGE)

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